



Shire of Murray

Notice Paper and Agenda

Special Council Meeting

Thursday 24 October 2019

Question Time

Rules

Please note that the following rules apply to Question Time:

1. The person asking the question is requested to complete a Public Question Time Form prior to asking a question at the Council meeting. This will assist in a more informed and detailed response being given at this meeting. This form is available on the Shire's website and on the desk in the gallery area of Council Chambers.
2. Questions are to be directed through the Chair, with the Chairperson having the discretion of accepting or rejecting a question or taking it on notice.
3. To enable all members of the public a fair and equal opportunity to participate in Question Time, each person shall, in the first instance, ask a maximum of Two Questions.
4. If a question is taken on notice at the meeting, it will be answered in writing and included in the following meeting's Minutes.

Special Council Meeting – 24 October 2019

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Notice of Meeting

Notice is hereby given that a Special Meeting of Council will be held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 24 October 2019 commencing at 4.30pm.

Dean Unsworth
Chief Executive Officer

1. ATTENDANCES

2. ABSENT

3. PURPOSE OF MEETING

Oath/Affirmation of Allegiance and Declaration of Office of newly elected Councillors and elect a Shire President and Deputy Shire President.

4. PUBLIC QUESTION TIME

In accordance with Section 7(4)(b) of the Local Government (Administration) Regulations 1996, a Council at a Special Meeting is not required to answer a question that does not relate to the purpose of the meeting. It is therefore requested that only questions that relate to items on the agenda be asked.

5. OATH OR AFFIRMATION OF ALLEGIANCE AND DELCARATION OF OFFICE TO BE TAKEN BY ELECTED COUNCILLORS

Mr Michael John Greenup JP, will conduct the Oath or Affirmation of Allegiance and Declaration of Office for the elected Councillors.

- 5.1 Councillor Elect -
- 5.2 Councillor Elect -
- 5.3 Councillor Elect -
- 5.4 Councillor Elect -
- 5.5 Councillor Elect -

6. ELECTION OF PRESIDENT AND DEPUTY PRESIDENT

File Ref: 1051
Author and Title: Dean Unsworth, Chief Executive Officer

In Brief

Under the *Local Government Act 1995 (as amended)* for the election of President, when elected by the Council, nominations are to be given to the CEO in writing at a time announced by the CEO.

If a Councillor is nominated by another Councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

Voting is by secret ballot as if they were electors voting at an election.

If, when the votes are counted there is an equality of votes, the count is to be discontinued and the meeting is to be adjourned for not more than seven days.

Background

As the election for President is to be conducted as if they were electors voting at an election, it is requested that all nominations be received by **4.00pm** on Thursday 24 October 2019. This will then give officers time to have election papers printed prior to the **4.30pm** commencement of the meeting.

In regards to the election of the Deputy President, Schedule 2.3(2) of the *Local Government Act 1995* states that this election is to be conducted in accordance with the procedure prescribed by the President, or if he or she is not present, by the CEO. Nominations are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations. Council members are to vote on the matter by way of secret ballot.

Statutory Environment

Local Government Act 1995

Section – 2.11. Alternative methods of filling office of mayor or president

- (1) When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be —
 - (a) elected by electors of the district under Part 4; or
 - (b) elected by the council from amongst the councillors under Schedule 2.3, Division 1.
- (2) A local government may change* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.

** Special Majority Required*
- (3) A local government may exercise the power conferred by subsection (2) whether or not a proposal has been made under section 2.12.
- (4) The method of filling the office of mayor or president used by a local government is changed from the election by the electors method to the election by the council method if the result of a poll declared under section 2.12A(4) is that a majority of electors of the district who voted at the poll voted in favour of the change.

Section 2.15 – Filling office of deputy mayor or deputy president

The deputy mayor or deputy president is to be elected by the council under Schedule 2.3, Division 2.

Schedule 2.3 – When and how mayors, presidents, deputy mayors and deputy presidents are elected by council

[Sections 2.11(1)(b) and 2.15]

Division 1 – Mayors and presidents

1. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of councillor mayor or president.

2. When council elects mayor or president

(1) The office is to be filled as the first matter dealt with —

(a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and

(b) at the first meeting of the council after an extraordinary vacancy occurs in the office.

(2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

(1) The council is to elect a councillor to fill the office.

(2) The election is to be conducted by the CEO in accordance with the procedure prescribed.

(3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

(3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.

(4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

(5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.

(6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.

(7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

5. Votes may be cast a second time

(1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or

remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.

- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

Division 2 — Deputy mayors and deputy presidents

6. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of deputy mayor or deputy president.

7. When council elects deputy mayor or deputy president

- (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —
 - (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

8. How deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.

- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

9. Votes may be cast a second time

- (1) If, when the votes cast under clause 8(5) are counted, there is a equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

6.1 Election of Shire President

Recommendation

That the Chief Executive Officer reads aloud nominations for the position of Shire President and requests those nominated to state verbally if they are willing to accept that nomination, and that votes are cast accordingly as per the *Local Government Act (1995)*.

In Brief

Nominations for Shire President may be made prior to, or at the time of dealing with Item 6.1 of this Agenda. Nominations will then close and ballot papers will be immediately printed and then the ballot held. A short adjournment will occur while ballot papers are printed.

For the purpose of having ballot papers printed, it is suggested that nominations be provided to the Returning Officer (CEO) prior to this meeting. This may alleviate the need for an adjournment.

Subject to the permission of the Council, each Candidate will have five (5) minutes in which to present their credentials to the Council.

Section 2.28 Local Government Act 1995 – Item 11. Term Ends – When the mayor or president is next elected at or after the local government's next ordinary elections.

6.2 Election of Deputy President

Recommendation

That the elected President calls for nominations for the position of Deputy President from the members.

In Brief

Once nominations close for the position of Deputy President, if there is more than one nomination, there will be a short adjournment to print the ballot papers.

Section 2.28 – Local Government Act 1995 – Item 12. Term Ends – At the start of the first meeting of the council after the local government's next ordinary elections.

7. SEATING ALLOCATION FOR COUNCILLORS

In Brief

In accordance with Part 4 of the Shire of Murray Meeting Procedures Local Law 2015 (below mentioned) a draw for seating allocation for Councillors will be conducted by the Chief Executive Officer.

4.1 Members to be in their proper places

- (1) At the first council meeting held after each ordinary election, the CEO shall allot, by ballot, a position at the council table to each member.
- (2) Each member is to occupy his or her allotted position at each council meeting.

8. CLOSE